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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,333	04/19/2001	Hiroshi Hamagaki	4495-012	8572

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EXAMINER

TUNG, KEE M

ART UNIT PAPER NUMBER

2676

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/837,333

**Applicant(s)**

HAMAGAKI, HIROSHI

**Examiner**

Kee M Tung

**Art Unit**

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The amendment and RCE filed 2/7/05 has been considered in preparing this Office action.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ugajin et al (6,268,869 hereinafter "Ugajin") in view of Moriya (6,449,687).

Ugajin teaches a consecutive reading method for a computer game (Fig. 1) for reading field data (graphics data and texture data) from a storage device (23) into a memory (5 and 11) in a computer, comprising reading (16 and 10) the field data to be resident in memory and displayed on a monitor screen (22). It is noted that Ugajin fails explicitly teach or suggest that deleting some of the plurality of segment field data selected based on the player's position from the segment of field data resident in memory and reading new segment field data selected based on the player's position into the memory to replace the deleted plurality of the segment field data such that some of the plurality of segments of field data remain in the memory. Ugajin teaches to erase the image of the object from the display content of the game screen (Figs. 2 and 3; and col. 6, lines 1 to col. 7, line 28). Furthermore, Moriya teaches at the time a new

stage is started (in a new position), the content of the RAM (Fig. 5, 22) is updated which means some of the old data in the memory is replaced by the new data (col. 6, line 1 to col. 7, line 23, for example, the player character 50 is not changed in stage (col. 5, line 65 and col. 6, line 16). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the teachings of Moriya into the system of Ugajin in order to replace old memory information by the new information and then display in the screen when the player move from one position to another (such as, from one stage to another in the game when the player is progressing). Therefore, at least claims 1, 2, 7, 8 and 10 would have been obvious.

As per claims 3 and 4, Ugajin fails to explicitly teach or suggest the size of field data in units of segments and sectors. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify the teachings of Ugajin in order to read data in the speed corresponding to the change of the game, the player's progress from one scene to another. Therefore, at least claims 3 and 4 would have been obvious.

***Allowable Subject Matter***

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 5 and 6 are allowed.

### ***Response to Arguments***

5. Applicant's arguments filed 2/7/05 have been fully considered but they are not persuasive.

Applicant argues that in Moriya, all the data in the memory is replace with new data where claim 1 only requires replacing part of the plurality of field data. The examiner disagrees. For example, the player character 50 is not replaced (see col. 5, line 65 and col. 6, line 16, 31 ...).

In response to applicant's argument that Ugajin and Moriya are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both prior art are in the field of applicant's endeavor, ie, video game. Therefore, applicant's arguments are not deemed to be persuasive.


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kee M Tung whose telephone number is 703-305-9660. The examiner can normally be reached on Tuesday - Friday from 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kee M Tung  
Primary Examiner  
Art Unit 2676